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U.S. 658 (1978) and Deaton v. Montgomery County, 989 F.2d 885, 889 (6th Cir. 1993) allow Section 1983 actions against governmental entities and (2) that his Fifth Amendment claims were not addressed in the state proceedings, and are therefore not barred by the doctrine of claim preclusion. In their reply (Docket Entry No. 31), the Defendants raise additional grounds of claim preclusion and the Rooker-Feldman doctrine, as barring Plaintiff's action.

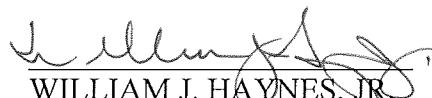
The Court agrees that this action asserting federal constitutional claims against state conduct arises under Section 1983. Under the Eleventh Amendment, a state agency, as an agency of the State, is not a "person" that can be sued in a Section 1983 action. Alabama v. Pugh, 438 U. S. 781, 782 (1978). ("[t]here can be no doubt, however, that suit against the State **and its Board of Corrections** is barred by the Eleventh Amendment, unless [the State] has consented to the filing of such a suit.")(emphasis added). As a matter of statutory construction, state agencies are not persons within the meaning of Section 1983. Will v. Michigan Dept. of State Police, 491 U.S. 58, 64 (1989). Here, Plaintiff asserts Section 1983 against Tennessee state agencies. Because these Defendants are state agencies, they are not "persons" that can be sued in a Section 1983 action. The decisions cited by the Defendant involve local governmental entities.

Accordingly, Defendants' motion to dismiss (Docket Entry No. 19) is **GRANTED**. This action is **DISMISSED with prejudice**. Plaintiff's motions to stay (Docket Entry Nos. 5 and 7) are **DENIED as moot**.

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 20th day of May, 2012.


WILLIAM J. HAYNES, JR.
United States District Judge